against, and either inquire into the case himself or, if he is a Magistrate other than a Magistrate of the third class, direct an inquiry or investigation to be made by any Magistrate subordinate to him, or by a police officer, or by such other person as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint:

[1][Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the complainant has been examined on oath under the provisions of section 200.]]

[2][(*2*) If any inquiry or investigation under this section is made by a person not being a Magistrate or a police-officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a police-station, except that he shall not have power to arrest without warrant.]

[3][(*2A*) Any Magistrate inquiring into a case under this section may, if he thinks fit, take evidence of witnesses on oath.]

(*3*) This section applies also to the police in the towns of Calcutta and Bombay.

Dismissal of complaint.

203. The Magistrate before whom a complaint is made or to whom it has been transferred, may dismiss the complaint, if, [4][after considering the statement on oath (if any) of the complainant [5][and the witnesses] and the result of [6][the investigation] or inquiry [7][(if any)] under section 202], there is in his judgment no sufficient ground for proceeding. In such cases he shall briefly record his reasons for so doing.

CHAPTER XVII.

Of the Commencement of Proceedings before Magistrates.

Issue of process.

204. (*1*) If in the opinion of a Magistrate taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be one in which, according to the fourth column of the second schedule, a summons should issue in the first instance, he shall issue his summons for the attendance of the accused. If the case appears to be one in which, according to that column, a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has not jurisdiction himself) some other Magistrate having jurisdiction.

[8][(*1A*) No summons or warrant shall be issued against the accused under sub-section (*1*) until a list of the prosecution witnesses has been filed.

(*1B*) In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (*1*) shall be accompanied by a copy of such complaint.]

(*2*) Nothing in this section shall be deemed to affect the provisions of section 90.

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[1] Substituted by the Code of Criminal Procedure (Amendment) Act, 1926 (2 of 1926), s. 4, for the former proviso.

[2] Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 55, for the original sub-section (*2*).

[3] Inserted by s. 55, *ibid.*

[4] Substituted by s. 55, *ibid.*, for "after examining the complainant and considering the result of the investigation (if any) made under s. 202".

[5] Inserted by Act 26 of 1955, s. 27.

[6] Substituted by the Code of Criminal Procedure (Amendment) Act, 1926 (2 of 1926), s. 5, for "any investigation".

[7] Inserted by s. 5, *ibid.*

[8] Inserted by Act 26 of 1955, s. 28.

(*3*) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued until the fees are paid, and, if such fees are not paid within a reasonable time, the Magistrate may dismiss the complaint.

Magistrate may dispense with personal attendance of accused.

205. (*1*) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

(*2*) But the Magistrate inquiring into or trying the case may, in his discretion at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

CHAPTER XVIII.

OF INQUIRY INTO CASES TRIABLE BY THE COURT OF SESSION OR HIGH COURT.

Power to commit for trial.

206. (*1*) Any Presidency Magistrate, District Magistrate, Sub-divisional Magistrate, or Magistrate of the first class, or any Magistrate (not being a Magistrate of the third class) empowered in this behalf by the State Government may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

Power to commit for trial.

206. (*1*) [1]* * * Any Presidency Magistrate [2]* * * * * or Magistrate the first class, or any Magistrate [3][(not being a Magistrate of the third class)] empowered in this behalf by the [4][[5][State] Government], [6][*in consultation with the High Court*], may commit any person for trial to the Court of Session or High Court for any offence triable by such Court.

(*2*) But, save as herein otherwise provided, no person triable by the Court of Session shall be committed for trial to the High Court.

Procedure in inquiries preparatory to commitment.

[7][**207.** In every inquiry before a Magistrate where the case is triable exclusively by a Court of Session or High Court, or, in the opinion of the Magistrate, ought to be tried by such Court, the Magistrate shall,—

(*a*) in any proceeding instituted on a police report, follow the procedure specified in section 207A ; and

(*b*) in any other proceeding, follow the procedure specified in the other provisions of this Chapter.

Procedure to be adopted in proceedings instituted on police report.

207A. (*1*) When, in any proceeding instituted on a police report, the Magistrate receives the report forwarded under section 173, he shall, for the purpose of holding an inquiry under this section, fix a date which shall be a date not later than fourteen days from the date of the receipt of the report, unless the Magistrate, for reasons to be recorded fixes any later date.

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[1] The words and figures " Subject to the provisions of section 443 " rep. by the Criminal Law Amendment Act, 1923 (12 of 1923), s. 9.

[2] The words " District Magistrate, Sub-divisional Magistrate " were deleted by Bom. 23 of 1951, s. 2 and Sch. Pt. I.

[3] Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 57.

[4] Substituted by the A. O. 1937 for " L. G. "

[5] Substituted by the A. O. 1950 for " Provincial ".

[6] Inserted by Bom. 23 of 1951, s. 2 and Sch. Pt. I.

[7] Ss. 207 and 207A were substituted by Act 26 of 1955, s. 29, for the original s. 207.